

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

HARSHDEEP JAWANDHA, Individually  
and On Behalf of All Others Similarly  
Situated,

Plaintiff,

v.

ATHIRA PHARMA, INC., DR. LEEN  
KAWAS, GLENNA MILESON,  
TADATAKA YAMADA, JOSEPH  
EDELMAN, JOHN M. FLUKE, JR.,  
JAMES A. JOHNSON, GOLDMAN  
SACHS & CO. LLC, JEFFERIES LLC,  
STIFEL, NICOLAUS & COMPANY,  
INCORPORATED, and JMP SECURITIES  
LLC,

Defendants.

CASE NO.: 2:21-cv-00862-JCC

**STIPULATION AND ORDER TO  
EXTEND TIME TO RESPOND TO  
THE COMPLAINT AND  
ADJOURN STATUS  
CONFERENCE**

**NOTE ON MOTION CALENDAR:  
July 29, 2021**

**STIPULATION**

In accordance with Local Civil Rules 7(d)(1) and 10(g), Plaintiff Harshdeep Jawandha (“Plaintiff”), individually and on behalf of all others similarly situated, Defendants Athira Pharma, Inc. (“Athira”), Glenna Milesen, Tadataka Yamada, Joseph Edelman, John M. Fluke, Jr., James A. Johnson, and Leen Kawas (the “Individual Defendants,” and with Athira, the “Athira Defendants”) and Defendants Goldman Sachs & Co. LLC, Jefferies LLC, Stifel, Nicolaus & Company, Incorporated, and JMP Securities LLC (the “Underwriter Defendants,” and with the Athira Defendants, the “Defendants”), by and through their undersigned counsel, submit the following Stipulation and ask the Court to enter an order consistent with this Stipulation:

1. WHEREAS, on June 25, 2021, Plaintiff, individually and on behalf of all others similarly situated, filed a Class Action Complaint for Violations of the Federal Securities Laws against the Defendants in the above-captioned matter (the “Complaint”);

2. WHEREAS, on June 25, 2021, two substantially similar Class Action Complaints for Violations of the Federal Securities Laws were filed in this District: one against Athira and Leen Kawas by plaintiffs Fan Wang and Hang Gao, No. 2:21-cv-00861-TSZ (the “Wang Action”), the first complaint filed, and the other against the Defendants by plaintiffs Timothy Slyne and Tai Slyne, No. 2:21-cv-00864-JLR (the “Slyne Action”);

3. WHEREAS, Plaintiff served Athira with a summons and the Complaint on July 8, 2021, making Athira’s current deadline to respond to the Complaint July 29, 2021; Plaintiff served the Underwriter Defendants with a summons and the Complaint on July 15 (Goldman Sachs & Co. LLC, Jefferies LLC, and Stifel, Nicolaus & Company, Inc.), and July 20 (JMP Securities LLC), making the Underwriter Defendants’ current deadline to respond to the Complaint August 5 and August 10, 2021, respectively; and Plaintiff served waivers of service for the Individual Defendants on July 28, 2021;

4. WHEREAS, on June 29, 2021, the Court entered an Order Setting Status Conference (Dkt #5) in the above-captioned matter, setting a status conference for October 12, 2021 at 9:00 AM to discuss (1) an estimated number of days needed for trial, (2) the date by which

1 the case will be ready for trial, and (3) whether the parties intend to mediate pursuant to LCR 39.1  
2 (the “Status Order”);

3 5. WHEREAS, this action is governed by the provisions of the Private Securities  
4 Litigation Reform Act of 1995 (the “PSLRA”), Pub. L. 104-67, 109 Stat. 737, 15 U.S.C. §77z-1  
5 *et seq.*, which requires, among other things, Plaintiff to publish notice advising members of the  
6 putative class of the pendency of the action, and provides that any member of the putative class  
7 may move the Court to serve as lead plaintiff within 60 days after the notice is published;

8 6. WHEREAS, in accordance with the PSLRA, counsel for Plaintiff published notice  
9 of the pendency of the action on June 25, 2021, thereby setting the deadline for filing a motion  
10 seeking to be appointed as lead plaintiff in the above-captioned action as August 24, 2021;

11 7. WHEREAS, the parties anticipate that this action will be consolidated with the  
12 Wang and Slyne Actions, a Lead Plaintiff will be appointed, the Lead Plaintiff will file a  
13 consolidated complaint superseding the previously filed complaints, including the Complaint, and  
14 Defendants will move to dismiss;

15 8. WHEREAS, pursuant to the PSLRA, all discovery and other proceedings are stayed  
16 during the pendency of any motion to dismiss;

17 9. WHEREAS, the parties agree that efficiency for the Court and the parties in  
18 proceeding under the PSLRA dictates that responding to the current Complaint should be deferred.

19 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the  
20 parties, subject to the approval of this Court, that:

21 1. In the interests of judicial economy and preserving the resources of the parties and  
22 the Court, the parties agree that no answer, motion, or other response to the Complaint shall be  
23 due until after a Lead Plaintiff is appointed, Lead Counsel is approved, and Lead Plaintiff has had  
24 the opportunity to prepare or designate a post-appointment consolidated complaint, provided that  
25 Defendants do not otherwise respond to the complaint in the Wang or Slyne Actions or a complaint  
26 in any other class action lawsuit in this District arising under the PSLRA asserting the same or  
27

1 substantially the same claims against the same Defendants prior to the appointment of Lead  
2 Plaintiff and approval of Lead Counsel;

3 2. The October 12, 2021 status conference as set forth in the Status Order is  
4 adjourned for the time being;

5 3. Within fourteen (14) days of the Court's Order for the appointment of Lead Plaintiff  
6 and approval of Lead Counsel, pursuant to 15 U.S.C. § 77z-1(a)(3)(B), Lead Plaintiff and the  
7 Defendants shall meet and confer and submit a schedule for the filing of a consolidated complaint  
8 or designation of an operative complaint, and a briefing schedule for Defendants' anticipated  
9 motion(s) to dismiss;

10 4. This Stipulation is entered into without prejudice to any party seeking any interim  
11 relief, and nothing in this Stipulation shall be construed as a waiver of any of the Defendants' or  
12 Plaintiff's rights or positions in law or in equity, or as a waiver of any defenses that the Defendants  
13 would otherwise have, including, without limitation, jurisdictional defenses, except as to  
14 sufficiency of service.

15  
16 Dated: July 29, 2021

Respectfully submitted,

17 s/ Gregory L. Watts

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~~[PROPOSED]~~ ORDER

IT IS SO ORDERED.

DATED this 29th day of July 2021.



John C. Coughenour  
UNITED STATES DISTRICT JUDGE

Presented by:

s/ Gregory L. Watts

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